(ix) Issue of copies of plaints to all defendants should not be insisted on. It would be enough to give them abstracts of plaints.

(x) The amount of *batta* for bedding, etc., to the decree-debtors arrested on warrants should be reduced. Decree-holders should be asked to deposit only boarding charges.

(xi) The power of revision and appeal in respect of small cause cases decided by Munsiffs should be vested in the District Judges having jurisdiction and not in the High Court. The rule in respect of similar cases decided by Panchayat Courts in towns was similar.

(xii) Stamp vendors should be authorised to vend stamp papers up to the value of Rs. 50. Parties were now put to inconvenience in being forced to purchase such papers from the treasuries.

(xiii) Under the existing rules, only file books of cases were preserved permanently. The judgments and decrees should also be similarly preserved.

(xiv) The rule insisting on the production of court certificates for grant of copies of records should be abrogated as causing delay.

(xv) District Courts should be empowered to hear appeals on interim orders passed in respect of cases involving a sum of above Rs. 1,000.

DEWAN'S REPLY: Mr. Sankara Panikkar, some of the subjects you have taken up in relation to the administration of justice are matters that have come up before Government in one way or other already. However, I shall have them all looked into once more and consult the Director of Registration on the suggestions you have offered regarding his department. But I do not think it will be feasible to ask Sub-Registrars to take up the responsibility for the accuracy of facts in documents that are registered in their offices.

The Assembly adjourned at 1-40 P. M. and re-assembled at 2-15 P. M.

37. Judicial Department and hardships caused to the Public.

MR. P. K. JOSEPH (*Member, Trading Classes, Kayankulam*) said that there was chronic delay in the disposal of civil and criminal suits. The public were put to great loss and hardships by various items of work being entrusted to the Division First Class Magistrates. It was necessary to establish more First Class Magistrates' Courts and more District Courts.

Delays and irregularities occurred in the execution of decrees and in the service of processes. Process servers generally gave previous intimation to the decree-debtors of the intended issue of processes. This was an evil effect of the process peons being retained in the same station for a long time. The process establishment should be frequently transferred so that every court had at least a few process servers and *amins* personally unacquainted with decree-debtors and not liable to corruption.

Depositions given by parties in courts were ordinarily not read out to them. In many cases there was reason to doubt even the correctness of the depositions taken down. The member therefore suggested that arrangements should be made for the attestation of depositions by vakils.

The rule requiring the filing of affidavits along with every adjournment application should be cancelled. A mere verification of such applications should be sufficient. In British India, even written petitions were not considered necessary for the adjournment of cases; and hence adjournment applications were not there included among interlocutory applications. Such inclusion in Travancore necessitated the affixing of half a rupee court fee stamp to each application. This should be stopped. Affidavits should, however, be filed along with petitions for satisfaction of decrees.

The policy of appointing new hands in the Judicial Department over-looking the claims of officers in service was attendant with many evils, the chief of which was that it gave room to dissatisfaction and curruption among the latter. That also accounted, to some extent, for the growing accumulation of arrears in courts.

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DEWAN'S REPLY: Mr. P. K. Joseph, in regard to the first point in your representation, *viz.*, as to law's delays, the High Court point out that strenuous steps are being taken for the speedy disposal of civil suits; and in regard to criminal cases, they say the complaint is groundless.

Your next point was about the irregularities in the case of execution of decrees and you levelled charges against the subordinates of the Judicial Department like *amins* and peons. In regard to that matter, if you had given specific, definite instances, the Government could undertake to investigate them. But now, since your allegations are only in vague general terms, it is not possible to make any investigation in the matter.

As regards the heavy work in the First Class Magistrates' Courts, certainly there is very heavy work in some of these courts, for instance in Devicolam. Last year, in Kottayam, there was a heavy file owing to the change of Magistrates. With the appointment of Munsiff-Magistrates in Changanachery and Todupuzha, the work of the First Class Magistrates there was lightened. In Trivandrum also, the work is undoubtedly heavy. The District Magistrate has suggested the appointment of a Munsiff-Magistrate at Neduvangad and that will be considered. Peermade, Trivandrum and Devicolam are probably the only three courts where the file is rather heavy. In all other places, the work has already been lightened or will shortly be lightened.

I cannot undertake to establish more District Courts.

In regard to the attestation of depositions by vakils, the High Court do not consider it necessary.

As regards your last point, we cannot have an inflexible rule, shutting out a particular set of recruits. We must have a flexible system in regard to recruitment, so that we may get the best men available. I do not think there is any other of the specific points that you raised which is susceptible of a ready reply.

38. Defects in the working of the Judicial Department.

MR. R. BHAGAVATIPERUMAL CHETTIYAR (*Member, Trading Classes, Kottar*) represented that there were several defects in the administration of civil justice and as a consequence, the people were experiencing great hardships and inconveniences. The following were some of the defects for which the member suggested remedies:—

(1) Too many cases were posted for a single day and cases which could not be taken up were adjourned. It should be ruled that only as many cases as could be finished on a single day should be posted for that day.

(2) The examination of witnesses was not conducted on the day on which they were summoned, for want of time. The depositions of such witnesses should somehow or other be taken on that day. Their attendance should also be taken before the court assembles.

(3) Decrees should be issued within 15 days after the decision of suits and a rule to that effect should be strictly enforced.

(4) The regular preparation of diaries (daily work statements) in courts should be insisted on by the presiding officers.

(5) Applications for execution of decrees, such as attachment of property and issue of warrants, should be promptly attended to and the processes should be properly served. Information regarding the passing of orders on such applications should be given to the plaintiffs the day after the presentation of applications.

(6) Claims to property attached under execution were not promptly disposed of. It should be done within a period of six months at the most.

(7) Processes were not properly served. The service of processes should be attested to by the local *Provertikar* or by other persons of status.

(8) The rule that, in preparing copies of records, 175 words should be written on a single page was not being strictly observed. The excess number of copying sheets produced by the applicants was not always returned. To

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